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**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:09-cv-00816-FJM
Internal Use Only**

Comtech EF Data v. Paradise Datacom, LLC Date Filed: 04/17/2009
Assigned to: Judge Frederick J Martone Jury Demand: Plaintiff
Cause: 28:1338 Patent Infringement Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Comtech EF Data
a Delaware corporation
also known as
Comtech EF Data
Corporation

Pat. # 7,254,188

represented by **Michelle Gail Breit**
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V.

Defendant**Paradise Datacom, LLC***a Pennsylvania limited**liability company*

Date Filed	#	Docket Text
04/17/2009	<u>1</u>	COMPLAINT. Filing fee received: \$ 350.00, receipt number 09700000000002748682, filed by Comtech EF Data. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Civil Cover Sheet)(Breit, Michelle) (Entered: 04/17/2009)
04/17/2009	<u>1</u>	This case has been assigned to the Honorable Frederick J. Martone. All future pleadings or documents should bear the correct case number: CV 09-00816-PHX-FJM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (Entered by REK) (Entered: 04/20/2009)
04/17/2009	<u>2</u>	Notice re Magistrate Consent Form (REK) (Entered: 04/20/2009)
04/17/2009	<u>3</u>	NOTICE TO PARTY OF DEFICIENCY RE CORPORATE DISCLOSURE STATEMENT: Pursuant to FRCiv 7.1 and LRCiv 7.1.1 the attached Corporate Disclosure Statement form must be filed by all nongovernmental corporate parties with their first appearance. A supplemental statement must be filed upon any change in the information. In addition, if not already filed, the Corporate Disclosure Statement should be filed within 15 days. Corporate Disclosure Statement Deadline set for 5/4/2009 as to Comtech EF Data. (REK) (Entered: 04/20/2009)

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**
10 **DIVISION ONE**

11 COMTECH EF DATA, a Delaware corporation,

12 Plaintiff,

13 v.

14 PARADISE DATACOM, LLC, a Pennsylvania
15 limited liability company,

16 Defendant.

COMPLAINT AND JURY DEMAND

17 Plaintiff Comtech EF Data Corporation ("Comtech"), brings this complaint for patent
18 infringement against defendant Paradise Datacom, LLC ("Paradise"), and alleges as follows:
19

20 **PARTIES**

21 1. Plaintiff Comtech is a corporation incorporated under the laws of the State of
22 Delaware, having its principal place of business at 2114 West 7th Street, Tempe, Arizona 85281.
23 Comtech, a subsidiary of Comtech Telecommunications Corporation, develops innovative and
24 market-leading satellite communications products and equipment deployed in commercial and
25 government applications around the world. Comtech's products include modems, performance
26 enhancement proxies, bandwidth and capacity management, software and systems,

1 encapsulators, receivers, converters, transceivers, amplifiers, block up converters and terminals.
2 2. Upon information and belief, Defendant Paradise is a Pennsylvania limited
3 liability company authorized to do and doing business in Maricopa County, Arizona. Paradise is
4 a direct competitor to Comtech and also designs and manufactures satellite modems,
5 transceivers, block up-converters, solid stat power amplifiers, low noise amplifiers and
6 associated equipment for the terrestrial segment of the satellite communications market.

7 JURISDICTION AND VENUE

8 3. This action is for patent infringement under 35 U.S.C. § 100 et seq. This Court
9 has subject matter jurisdiction under 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patent
10 Infringement).

11 4. Venue in this district is proper under 28 U.S. C. §§ 1391(b).

12 FACTS

13 5. U.S. Patent No. 7,254,188 ("the '188 patent"), entitled "Method and System for
14 Modulating and Detecting High Datarate Symbol Communications," was duly and legally issued
15 on August 7, 2007 and assigned to plaintiff Comtech. A true and correct copy of the '188 patent
16 is attached hereto as Exhibit A.

17 6. Comtech is the owner of the '188 patent with the right to collect damages for all
18 relevant times, and has the right to prevent others from making, having made, using, offering for
19 sale or selling products or services covered by such patent, as well as the right to enforce the
20 '188 patent with respect to defendant Paradise.

21 COUNT I.
22 (Patent Infringement)

23 7. Comtech incorporates by reference paragraphs 1-6 above, as if fully set forth
24 herein.

25 8. Defendant Paradise has infringed and is continuing to infringe, directly
26 contributorily and/or by inducement, one or more claims of the '188 patent in violation of 35

1 U.S.C. § 271, and is still doing so by making, selling, and/or offering for sale, one or more
2 satellite communications products manufactured, designed and/or sold by Paradise, including
3 Paradise's PD25 series modems, and will continue to do so unless enjoined by this Court.

4 9. Upon information and belief, Paradise had actual knowledge of the '188 patent
5 prior to engaging in its infringing activity. Paradise's infringement of the '188 patent is willful
6 and deliberate.

7 10. Comtech has been and continues to be damaged by the infringement.

8 11. Comtech has and continues to incur irreparable harm that can only be fully
9 redressed by injunctive relief pursuant to 35 U.S.C. § 283.

10 12. Comtech is entitled to treble damages, attorneys fees and costs pursuant to 35
11 U.S.C. §§ 284 and 285.

12 PRAYER FOR RELIEF

13 WHEREFORE, Comtech prays for:

14 a. A finding by this Court that Paradise has infringed the '188 patent.

15 b. An injunction under 35 U.S.C. § 283 preliminarily and permanently
16 enjoining and restraining Paradise, its officers, managers, members, agents, parents, subsidiaries,
17 principals, successors in interest, and those acting in concert with it from directly or indirectly
18 infringing, inducing, or contributing to the infringement of the '188 patent.

19 c. An order requiring Paradise to account to Comtech for all the gains,
20 profits and advantages realized from its infringement of the '188 patent.

21 d. An award to Comtech of damages adequate to compensate for the
22 infringement of Paradise, including lost profits of Comtech, but in no event less than a
23 reasonable royalty under 35 U.S.C. §284.

24 e. An award of treble damages for the willful infringement of the '188 patent
25 pursuant to 35 U.S.C. § 284.

26 f. An award of attorney fees, costs, and expenses incurred in connection with

1 this action pursuant to 35 U.S.C. § 285.

2 g. An award of prejudgment and post-judgment interest.

3 h. Such other and further relief as the Court deems equitable and appropriate.

4 JURY DEMAND

5 Plaintiff hereby requests a jury trial.

6 **RESPECTFULLY SUBMITTED** this 17th day of April, 2009.

7 **SANDERS & PARKS, P.C.**

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By 

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